

## **EXHIBIT C**



**BMFEA**  
Bureau of Medi-Cal Fraud & Elder Abuse  
State of California Department of Justice

Office of Attorney Gen.  
Edmund G. Brown.

June 9, 2009

Bureau of  
Medi-Cal Fraud  
and Elder Abuse

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**Via E-Mail and Federal Express**

Brendan Cyr  
Kelley Drye & Warren LLP  
101 Park Avenue  
New York, New York 10178

RE: *State of California, ex rel. Ven-A-Care v. Abbott Laboratories, Inc., et al.*  
Case No. 03-cv-11226-PBS (MDL 1456)

Dear Brendan:

I am in receipt of your email of June 9, 2009 (attached), asking California to schedule the deposition of Tom Ahrens in the captioned matter.

As you are aware, discovery cutoff is June 15, 2009, as established by the court in its order of March 3, 2009, modifying the dates set in Case Management Order (CMO) 31. Mr. Ahrens is no longer employed by DHCS, but is actively employed in another branch of State government. None of us can possibly expect him to identify a day out from his job, get prepared, and sit for deposition by next Monday (June 15), i.e., on four days' notice. It is not possible, in other words, for defendants to appropriately notice and complete a deposition of Mr. Ahrens during the period set by the court in which to complete discovery.

Accordingly, it is our position that defendants cannot issue the requisite subpoena for Mr. Ahrens' deposition without first successfully moving the court to extend the fact discovery cut-off date, a motion which we would likely oppose. It is improper for us to agree to produce a deponent in order to continue party discovery in violation of the cut-off date set by CMO 31.

Brendan Cyr  
June 9, 2009  
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Please do not hesitate to call me if you would like to discuss this issue further.

Sincerely,



Nicholas N. Paul  
Supervising Deputy Attorney General  
Bureau of Medi-Cal Fraud and Elder Abuse

For EDMUND G. BROWN JR.  
Attorney General

NNP/lrc

cc: Raj Gandesha, White & Case  
Heather McDevitt, White & Case  
Lara Berwanger, White & Case  
Philip Robben, Kelley Drye & Warren  
James Breen, The Breen Law Firm

Enclosure

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**From:** "Cyr, Brendan" <BCyr@KelleyDrye.com>  
**To:** Nicholas Paul <Nicholas.Paul@doj.ca.gov>  
**Date:** 6/9/2009 7:40 AM  
**Subject:** Final deposition  
**CC:** "Gandesha, Raj" <rgandesha@ny.whitecase.com>, "McDevitt, Heather" <hmdevitt@ny.whitecase.com>, "Robben, Philip" <PRobben@KelleyDrye.com>, "Berwanger, Lara" <lberwanger@ny.whitecase.com>

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Nick

The remaining defendants would like to use the last of our ten depositions on Tom Ahrens. Please provide us with available dates for him. We understand that it might be difficult to get his deposition done within the June 15 deadline, so we would be willing to take his deposition at a later date, if that's agreeable to you.

Thanks

Brendan

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